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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MARK ALAN CRABTREE,
11 Petitioner,
12 v.
13 STATE OF WASHINGTON,
14 Respondent.

CASE NO. C10-0490JLR
ORDER RE: LATE-FILED
OBJECTIONS
AND
ORDER DECLINING TO ISSUE
CERTIFICATE OF
APPEALABILITY

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16 **I. OBJECTIONS**

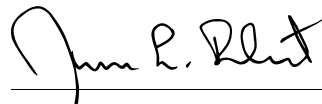
17 The court has reviewed Petitioner Mark Alan Crabtree's late-filed objections (Dkt.
18 # 7) to the Report and Recommendations of the Honorable Mary Alice Theiler, United
19 States Magistrate Judge. On June 7, 2010, the court entered an order adopting the Report
20 and Recommendations and entering judgment. (*See* Dkt. ## 5, 6.) Later on the same
21 day, Mr. Crabtree filed his objections. Having reviewed Mr. Crabtree's objections, the
22 court finds that they do not warrant a change to the disposition of his habeas petition.

II. CERTIFICATE OF APPEALABILITY

The court also declines to issue a certificate of appealability. A habeas petitioner can appeal the denial of a 28 U.S.C. § 2254 petition only after obtaining a “certificate of appealability.” 28 U.S.C. § 2253(c); *see generally United States v. Asrar*, 116 F.3d 1268 (9th Cir. 1997). A court may issue a certificate of appealability “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). That is, a petitioner must show that “reasonable jurists could debate whether . . . the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quotations omitted); *see Hanson v. Mahoney*, 433 F.3d 1107, 1112 (9th Cir. 2006).

Here, Mr. Crabtree has not made a substantial showing of the denial of a constitutional right. The court is not persuaded that reasonable jurists could debate whether the petition should have been resolved differently or that the issues presented are adequate to deserve encouragement to proceed further. The court therefore **DECLINES** to issue a certificate of appealability.

Dated this 16th day of June, 2010.



JAMES L. ROBART
United States District Judge